## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

JOHN DOE,	)	
Plaintiff,	)	
	j	
v.	)	Case No. 7:21cv378
THE CALL A POLYMPICALLY CALCENDATION	j	
VIRGINIA POLYTECHNIC INSTITUTE	)	
AND STATE UNIVERSITY, et al.,	)	
	)	
Defendants.	)	

## **MOTION TO DISMISS PURSUANT TO RULE 12(b)(6)**

Defendants Virginia Polytechnic Institute and State University, Timothy Sands, and Tamara Cherry-Clarke, by counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, respectfully move this Court for entry of an Order dismissing the claims against them for the reasons set forth in the accompanying Memorandum of Law.

Respectfully submitted,

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY, TIMOTHY SANDS, and TAMARA CHERRY-CLARKE

<u>/s/</u>

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Counsel for Defendants



## **CERTIFICATE OF SERVICE**

I hereby certify that on September 27, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send notification of such filing to all counsel of record.

/s/ Nathan H. Schnetzler
Of Counsel

